

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

**Rule making related to towable recreational vehicles,
special farm trucks, and certifications of trust**

The Department of Transportation hereby amends Chapter 400, “Vehicle Registration and Certificate of Title,” and Chapter 425, “Motor Vehicle and Travel Trailer Dealers, Manufacturers, Distributors and Wholesalers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.466 as amended by 2019 Iowa Acts, House File 769, section 4; section 322C.4 as amended by 2019 Iowa Acts, House File 391; chapter 322C as amended by 2019 Iowa Acts, Senate File 435, sections 2 to 8; and section 633A.4604 as amended by 2019 Iowa Acts, Senate File 112.

Purpose and Summary

The amendments to Chapters 400 and 425 correct the name of the Vehicle and Motor Carrier Services Bureau and conform the rules with 2019 Iowa Acts, House File 391; 2019 Iowa Acts, House File 769, section 4; 2019 Iowa Acts, Senate File 112; and 2019 Iowa Acts, Senate File 435, sections 2 to 8. The specific Iowa Acts referenced amend Iowa Code sections related to certification of trust documents accepted for vehicle transactions, special farm truck weights, towable recreational vehicle dealers and surety bond amounts for towable recreational vehicle dealers. The following paragraphs further explain the amendments.

Towable recreational vehicles. This rule making amends rule 761—400.2(321) to provide that for purposes of registration and titling under Chapter 400 and Iowa Code chapter 321, a towable recreational vehicle as defined in Iowa Code section 322C.2 as amended by 2019 Iowa Acts, Senate File 435, section 2, shall be considered a travel trailer or fifth-wheel travel trailer, as those terms are defined in Iowa Code section 321.1, as applicable.

This rule making amends Chapter 425, regarding motor vehicle and travel trailer dealers, to change the reference to a “travel trailer dealer” to instead reference a “towable recreational vehicle dealer” throughout the chapter and to raise the required surety bond amount for a towable recreational vehicle dealer from \$25,000 to \$75,000. These amendments align with 2019 Iowa Acts, Senate File 435, sections 2 to 8, and 2019 Iowa Acts, House File 391.

Certifications of trust. This rule making amends subrules 400.4(9) and 400.14(3) relating to vehicle transaction applications by a trust and vehicle ownership by a trust to incorporate provisions related to certification of trust documents under Iowa Code section 633A.4604 as amended by 2019 Iowa Acts, Senate File 112. The legislation provides that a certification of trust must be signed by a currently acting trustee or the attorney of an acting trustee. Prior to the legislation, the certification of trust was required to be signed by all the currently acting trustees. The intent of the legislation is to make it easier for a single trustee to conduct the business of the trust without requiring the signature of all trustees, and that is also the goal of these amendments in implementing the signature requirements when a vehicle is owned by a trust.

Special farm truck weights. This rule making amends rule 761—400.47(321) relating to special farm truck weights to incorporate the requirements in Iowa Code section 321.466(4) as amended by 2019 Iowa Acts, House File 769, section 4, providing that the gross weight of a special farm truck

operating on a public highway shall not exceed the maximum gross weight allowed under Iowa Code section 321.463(6).

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 20, 2019, as **ARC 4770C**.

The Department received comments from the Iowa State Bar Association concerning the Department's proposed amendments to subrule 400.4(9) and paragraph 400.14(3)"b."

The Iowa State Bar Association felt that the proposed amendments made it appear as if the Department would only require one signature on an application or title for a vehicle owned by a trust, even if the trust or certification of trust document required multiple trustees to sign all documents on behalf of the trust. Because the proposed amendments were not meant to subvert the intent of the trust by requiring fewer signatories than are required, the Department is making additional changes to subrule 400.4(9) and paragraph 400.14(3)"b" to incorporate the edits suggested by the Iowa State Bar Association, which also clarify that the applicant or transferor shall provide the document specifying the required signatories for the trust to the Department, and that if neither document specifies the required signatories, then the Department may accept the signature of any trustee or attorney for the trustee.

Adoption of Rule Making

This rule making was adopted by the Department on February 11, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 15, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend rule **761—400.1(321)**, definition of "Manufacturer's certificate of origin," as follows:

"*Manufacturer's certificate of origin*" means a certification signed by the manufacturer, distributor or importer that the vehicle described has been transferred to the person or dealer named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce.

1. The terms "manufacturer's statement," "importer's statement or certificate," "MSO" and "MCO" shall be synonymous with the term "manufacturer's certificate of origin."

2. In addition to the requirements of Iowa Code subsection 321.45(1), the certificate shall contain a description of the vehicle which includes the make, model, style and vehicle identification number. The description of a motorized bicycle shall also specify the maximum speed.

3. For 1992 and subsequent model year vehicles, the form used for manufacturers' certificates of origin shall be the universal form adopted in 1990 by the American Association of Motor Vehicle Administrators (AAMVA). This requirement does not apply to trailer-type vehicles. A copy of this universal form may be obtained from the ~~office of~~ vehicle and motor carrier services bureau at the address in subrule 400.6(1).

ITEM 2. Amend rule 761—400.2(321) as follows:

761—400.2(321) Vehicle registration and certificate of title—general provisions.

400.2(1) to 400.2(8) No change.

400.2(9) Towable recreational vehicles. For purposes of registration and titling under Iowa Code chapter 321 and this chapter, a towable recreational vehicle as defined in Iowa Code section 322C.2 shall be considered a travel trailer or fifth-wheel travel trailer, as those terms are defined in Iowa Code section 321.1, as applicable.

This rule is intended to implement Iowa Code sections 321.18 to 321.22, 321.24, ~~and~~ 321.123 and 322C.2(19).

ITEM 3. Amend subrule 400.4(9) as follows:

400.4(9) Applications in the name of trusts. An application in the name of a trust shall be accompanied by a copy of all documents creating or otherwise affecting the trust or by the certification of trust as defined in Iowa Code section 633A.4604. The certification of trust may be signed by any trustee or the attorney for any trustee. The application shall be signed by ~~each trustee unless otherwise~~ the number of trustees as specified in the trust agreement or the certification of trust and the applicant shall provide the department with the document specifying the required signatories for the trust. The If neither the trust nor the certification of trust specifies the required signatories, the application may be signed by any trustee or attorney for the trustee. Each signature on the application shall be followed by the words “as trustee,” “as trustee” or “as attorney for the trustee.”

ITEM 4. Amend rule 761—400.5(321) as follows:

761—400.5(321) Where to apply for registration or certificate of title.

400.5(1) No change.

400.5(2) Application shall be made to the department's ~~office of~~ vehicle and motor carrier services bureau for the following:

a. to g. No change.

400.5(3) Application for a certificate of title for a vehicle subject to apportioned registration under Iowa Code chapter 326 may be made to either the county treasurer or to the department's ~~office of~~ vehicle and motor carrier services bureau.

400.5(4) Application for apportioned registration shall be made to the department's ~~office of~~ vehicle and motor carrier services bureau. See 761—Chapter 500.

This rule is intended to implement Iowa Code sections 321.18 to 321.23, 321.46(2), and 321.170.

ITEM 5. Amend subrule 400.6(1) as follows:

400.6(1) Information and forms for vehicle registration, certificate of title, or other procedures covered under Iowa Code sections 321.18 to 321.173 may be obtained from the county treasurer or by mail from the ~~Office of Vehicle and Motor Carrier Services Bureau~~, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience Blvd., Ankeny, Iowa 50021; by telephone at (515)237-3264; or on the department's website at www.iowadot.gov.

ITEM 6. Amend paragraph **400.13(1)“a”** as follows:

a. The applicant shall submit a bond application to the ~~office of vehicle and motor carrier services bureau~~ on a form prescribed by the department. The application shall be accompanied by evidence of ownership of the vehicle.

ITEM 7. Amend subrule 400.14(3) as follows:

400.14(3) Organizational ownership.

a. No change.

b. When a vehicle is owned by a trust, ~~the signature of each trustee is required, unless otherwise~~ the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or by the certification of trust as defined in Iowa Code section 633A.4604. The certification of trust may be signed by any trustee or the attorney for any trustee. The title shall be signed by the number of trustees as specified in the trust agreement or the certification of trust as defined in Iowa Code section 633A.4604 and the transferor shall provide the department with the document specifying the required signatories for the trust. ~~The If neither the trust nor the certification of trust specifies the required signatories, the title may be signed by any trustee or attorney for the trustee. Each signature on the title shall be followed by the words “as trustee.” In addition, the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or the certification of trust. “as trustee” or “as attorney for the trustee.”~~

ITEM 8. Amend rule 761—400.47(321) as follows:

761—400.47(321) Raw farm products. A vehicle may be operated with a gross weight of 25 percent in excess of the gross weight for which it is registered when transporting a load of raw farm products or soil fertilizers under Iowa Code section 321.466 except that nothing in this rule shall be construed to allow operation of a special truck on the public highways with a gross weight exceeding the maximum gross weight allowed under Iowa Code section 321.463(6). In addition, the following products shall be considered raw farm products. This list shall not be deemed conclusive and shall not exclude other commodities which might be considered raw farm products:

| | |
|----------------------------------|--------------------------|
| Animals which are dead | Hides |
| Berries, fresh | Honey, comb or extracted |
| Blood | Melons |
| Corn, ear corn including hybrids | Milk, raw |
| Corn, shelled | Nursery stock |
| Corn, cobs | Potatoes |
| Cream, separated | Peat |
| Eggs, fresh or frozen in shell | Poultry, live |
| Flax | Saw logs |
| Flaxseed | Sod |
| Fodder | Soybeans |
| Fruit, fresh | Straw, baled or loose |
| Grain, threshed or unthreshed | Vegetables, fresh |
| Hair | Wood, cord or stove wood |
| Hay, baled or loose | Wool |

This rule is intended to implement Iowa Code sections 321.466(4) and 321.466(5).

ITEM 9. Amend rule 761—400.50(321,326) as follows:

761—400.50(321,326) Refund of registration fees.

400.50(1) Vehicles registered by county treasurer.

a. to d. No change.

e. If the claim for refund is for excess credit or no replacement vehicle:

- (1) No change.
- (2) The claim for refund shall be approved or denied by the ~~office of~~ vehicle and motor carrier services bureau.

f. All other claims for refund shall be forwarded to the ~~office of~~ vehicle and motor carrier services bureau for processing.

400.50(2) Vehicles registered by department. Forms and instructions for claiming a refund on apportioned registration fees under Iowa Code section 326.15 may be obtained from the ~~office of~~ vehicle and motor carrier services bureau at the address in subrule 400.6(1). The claim for refund shall be filed at the same address.

This rule is intended to implement Iowa Code sections 25.1, 321.126 to 321.128 and 326.15.

ITEM 10. Amend rule 761—400.56(321) as follows:

761—400.56(321) Hearings. The department shall send notice by certified mail to a person whose certificate of title, vehicle registration, license, or permit is to be revoked, suspended, canceled, or denied. The notice shall be mailed to the person's mailing address as shown on departmental records and shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the ~~office of~~ vehicle and motor carrier services bureau at the address in subrule 400.6(1). The request for a contested case shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation, or denial.

This rule is intended to implement Iowa Code sections 17A.10 to 17A.19, 321.101 and 321.102.

ITEM 11. Amend paragraph **400.60(3)“b”** as follows:

b. Pursuant to Iowa Code sections 321.126 and 321.127, the owner or lessee of a motor vehicle may claim credit for the apportioned registration fees due when changing the vehicle's registration from registration by the county treasurer to apportioned registration. Application for apportioned registration shall be submitted to the department's ~~office of~~ vehicle and motor carrier services bureau; see 761—Chapter 500.

ITEM 12. Amend **761—Chapter 425**, title, as follows:
**MOTOR VEHICLE AND ~~TRAVEL TRAILER~~ TOWABLE RECREATIONAL VEHICLE DEALERS,
MANUFACTURERS, DISTRIBUTORS AND WHOLESALERS**

ITEM 13. Amend rule 761—425.1(322) as follows:

761—425.1(322) Introduction.

425.1(1) This chapter applies to the licensing of motor vehicle and ~~travel-trailer~~ towable recreational vehicle dealers, manufacturers, distributors and wholesalers. Also included in this chapter are the criteria for the issuance and use of dealer plates.

425.1(2) The ~~office of~~ vehicle and motor carrier services bureau administers this chapter. The mailing address is: ~~Office of~~ Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278.

a. Applications required by the chapter shall be submitted to the ~~office of~~ vehicle and motor carrier services bureau.

b. Information about dealer plates and the licensing of motor vehicles and ~~travel-trailer~~ towable recreational vehicle dealers, manufacturers, distributors and wholesalers is available from the ~~office of~~ vehicle and motor carrier services bureau or on the department's website at www.iowadot.gov.

ITEM 14. Amend rule 761—425.3(322) as follows:

761—425.3(322) Definitions. The following definitions, in addition to those found in Iowa Code sections 322.2 and 322C.2, apply to this chapter of rules:

“*Certificate of title*” means a document issued by the appropriate official which contains a statement of the owner's title, the name and address of the owner, a description of the vehicle, a statement of all

security interests, and additional information required under the laws or rules of the jurisdiction in which the document was issued, and which is recognized as a matter of law as a document evidencing ownership of the vehicle described. The terms “title certificate,” “title only” and “title” shall be synonymous with the term “certificate of title.”

“*Consumer use*” means use of a motor vehicle or ~~travel-trailer~~ towable recreational vehicle for business or pleasure, not for sale at retail, by a person who has obtained a certificate of title and has registered the vehicle under Iowa Code chapter 321.

“*Dealer*,” unless otherwise specified, means a person who is licensed to engage in this state in the business of selling motor vehicles or ~~travel-trailers~~ towable recreational vehicles at retail under Iowa Code chapter 322 or 322C.

“*Engage in this state in the business*” or similar wording means doing any of the following acts for the purpose of selling motor vehicles or ~~travel-trailers~~ towable recreational vehicles at retail: to acquire, sell, exchange, hold, offer, display, broker, accept on consignment or conduct a retail auction, advertise as being engaged in any of those acts, or to act as an agent for the purpose of doing any of those acts. A person selling at retail more than six motor vehicles or six ~~travel-trailers~~ towable recreational vehicles during a 12-month period may be presumed to be engaged in the business. See rule 761—425.20(322) for provisions regarding fleet sales and retail auction sales.

“*Manufacturer’s certificate of origin*” means a certification signed by the manufacturer, distributor or importer that the vehicle described has been transferred to the person or dealer named, and that the transfer is the first transfer of the vehicle in ordinary trade and commerce. The terms “manufacturer’s statement,” “importer’s statement or certificate,” “MSO” and “MCO” shall be synonymous with the term “manufacturer’s certificate of origin.” See rule 761—400.1(321) for more information.

“*Principal place of business*” means a building actually occupied where the public and the department may contact the owner or operator during regular business hours. In lieu of a building, a ~~travel-trailer~~ towable recreational vehicle dealer may use a manufactured or mobile home as an office if taxes are current or a ~~travel-trailer~~ towable recreational vehicle as an office if registration fees are current. The principal place of business must be located in this state.

“*Registered dealer*” means a dealer licensed under Iowa Code chapter 322 or 322C who possesses a current dealer certificate under Iowa Code section 321.59.

“*Regular business hours*” means to be consistently open to the public on a weekly basis at hours reported to the ~~office of~~ vehicle and motor carrier services bureau. Except as provided in Iowa Code section 322.36, regular business hours for a motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

“*Salesperson*” means a person employed by a motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer for the purpose of buying or selling vehicles.

“*Vehicle*,” unless otherwise specified, means a motor vehicle or ~~travel-trailer~~ towable recreational vehicle.

“*Wholesaler*” means a person who sells new vehicles to dealers and not at retail.

This rule is intended to implement Iowa Code chapters 322 and 322C.

ITEM 15. Amend rule 761—425.10(322) as follows:

761—425.10(322) Application for dealer’s license.

425.10(1) Application form. To apply for a license as a motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer, the applicant shall complete an application on a form prescribed by the department.

425.10(2) Surety bond.

a. The applicant shall obtain a surety bond in the following amounts and file the original with the ~~office of~~ vehicle and motor carrier services bureau:

(1) For a motor vehicle dealer’s license, \$75,000. However, an applicant for a motor vehicle dealer’s license is not required to file a bond if the person is licensed as a towable recreational vehicle dealer under the same name and at the same principal place of business.

(2) For a ~~travel-trailer~~ towable recreational vehicle dealer's license, ~~\$25,000~~ \$75,000. However, an applicant for a ~~travel-trailer~~ towable recreational vehicle dealer's license is not required to file a bond if the person is licensed as a motor vehicle dealer under the same name and at the same principal place of business.

b. The surety bond shall provide for notice to the ~~office of~~ vehicle and motor carrier services bureau at least 30 days before cancellation.

c. The ~~office of~~ vehicle and motor carrier services bureau shall notify the bonding company of any conviction of the dealer for a violation of laws related to the operations of the dealership.

d. If the bond is canceled, the ~~office of~~ vehicle and motor carrier services bureau shall notify the dealer by first-class mail that the dealer's license shall be revoked on the same date that the bond is canceled unless the bond is reinstated or a new bond is filed.

e. If an applicant whose dealer's license was revoked pursuant to paragraph 425.10(2) "d" establishes that the applicant obtained a reinstated or new bond meeting the requirements of this subrule 425.10(2) that was effective on or before the date of cancellation, but due to mistake or inadvertence failed to file the original bond with the ~~office of~~ vehicle and motor carrier services bureau, the applicant may file the original of the reinstated or new bond. Upon filing, the department will rescind the revocation of the dealer's license.

425.10(3) Franchise.

a. An applicant who intends to sell new motor vehicles or ~~travel-trailers~~ towable recreational vehicles shall submit to the ~~office of~~ vehicle and motor carrier services bureau a copy of a signed franchise agreement with the manufacturer or distributor of each make the applicant intends to sell.

b. If a signed franchise agreement is not available at the time of application, the department may accept written evidence of a franchise which includes all of the following:

(1) No change.

(2) The make of motor vehicle or ~~travel-trailer~~ towable recreational vehicle that the applicant is authorized to sell.

(3) and (4) No change.

c. No change.

425.10(4) and 425.10(5) No change.

425.10(6) Zoning. The applicant shall provide to the ~~office of~~ vehicle and motor carrier services bureau written evidence, issued by the office responsible for the enforcement of zoning ordinances in the city or county where the applicant's business is located, which states that the applicant's principal place of business and any extensions comply with all applicable zoning provisions or are a legal nonconforming use.

425.10(7) Separate licenses required.

a. No change.

b. A separate license is required for each county in which an applicant for a ~~travel-trailer~~ towable recreational vehicle dealer's license maintains a place of business.

425.10(8) to 425.10(11) No change.

This rule is intended to implement Iowa Code sections 322.1 to 322.15 and 322C.1 to 322C.6.

ITEM 16. Amend subrule 425.13(3) as follows:

425.13(3) Notification to the department. A motor vehicle dealer shall notify the ~~office of~~ vehicle and motor carrier services bureau in writing no fewer than ten days before moving the dealer's business records to another licensed location.

ITEM 17. Amend rule 761—425.14(322) as follows:

761—425.14(322) Travel-trailer Towable recreational vehicle dealer's place of business.

425.14(1) Telephone service and office area. A ~~travel-trailer~~ towable recreational vehicle dealer's principal place of business shall include telephone service and an adequate office area, separate from other facilities, for keeping business records, manufacturers' certificates of origin, certificates of title or other evidence of ownership for all ~~travel-trailers~~ towable recreational vehicles offered for sale.

Telephone service must be a land line and not cellular phone service. Evidence of ownership may include a copy of an original document if the original document is held by a lienholder.

425.14(2) *Facility for displaying ~~travel-trailers~~ towable recreational vehicles.* A ~~travel-trailer~~ towable recreational vehicle dealer's principal place of business shall include a space of sufficient size to permit the display of one or more ~~travel-trailers~~ towable recreational vehicles. The display facility may be an indoor area or an outdoor area with an all-weather surface. An all-weather surface does not include grass or exposed soil. If an outdoor display facility is maintained, it may be used only to display, recondition or repair ~~travel-trailers~~ towable recreational vehicles or to park vehicles.

425.14(3) *Facility for repairing and reconditioning ~~travel-trailers~~ towable recreational vehicles.* A ~~travel-trailer~~ towable recreational vehicle dealer's principal place of business shall include a facility for reconditioning and repairing ~~travel-trailers~~ towable recreational vehicles. The facility:

a. Shall be equipped and of sufficient size to repair and recondition one or more ~~travel-trailers~~ towable recreational vehicles of a type sold by the dealer.

b. to d. No change.

425.14(4) *~~Travel-trailer~~ Towable recreational vehicle dealer also licensed as a motor vehicle dealer.* If a ~~travel-trailer~~ towable recreational vehicle dealer is also licensed as a motor vehicle dealer under the same name and at the same principal place of business, separate facilities for displaying, repairing and reconditioning ~~travel-trailers~~ towable recreational vehicles are not required.

This rule is intended to implement Iowa Code sections 322C.1 to 322C.6.

ITEM 18. Amend rule 761—425.17(322) as follows:

761—425.17(322) Extension lot license. Extension lots of motor vehicle and ~~travel-trailer~~ towable recreational vehicle dealers must be licensed. Application to license an extension lot shall be made on a form prescribed by the department.

425.17(1) No change.

425.17(2) For a ~~travel-trailer~~ towable recreational vehicle dealer, an extension lot is a ~~travel-trailer~~ towable recreational vehicle lot for the sale of ~~travel-trailers~~ towable recreational vehicles that is located within the same county as, but is not adjacent to, the ~~travel-trailer~~ towable recreational vehicle dealer's principal place of business.

425.17(3) and **425.17(4)** No change.

This rule is intended to implement Iowa Code sections 322.1 to 322.15 and 322C.1 to 322C.6.

ITEM 19. Amend rule 761—425.18(322) as follows:

761—425.18(322) Supplemental statement of changes. A motor vehicle dealer shall file a written statement with the ~~office of~~ vehicle and motor carrier services bureau at least ten days before any change of name, location, hours, or method or plan of doing business. A license is not valid until the changes listed in the statement have been approved by the ~~office of~~ vehicle and motor carrier services bureau.

This rule is intended to implement Iowa Code sections 322.1 to 322.15.

ITEM 20. Amend rule 761—425.24(322) as follows:

761—425.24(322) Miscellaneous requirements.

425.24(1) No change.

425.24(2) A motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer shall not represent or advertise the dealership under any name or style other than the name which appears on the dealer's license.

425.24(3) No change.

This rule is intended to implement Iowa Code sections 322.1 to 322.15 and 322C.1 to 322C.6.

ITEM 21. Amend rule 761—425.26(322) as follows:

761—425.26(322) State fair, fairs, shows and exhibitions.

425.26(1) *Definitions.* As used in this rule:

“Community” means an area of responsibility as defined in Iowa Code section 322A.1.

“Display” means having new motor vehicles or new ~~travel-trailers~~ towable recreational vehicles available for public viewing at fairs, vehicle shows or vehicle exhibitions. The dealer may also post, display or provide product information through literature or other descriptive media. However, the product information shall not include prices, except for the manufacturer’s sticker price. “Display” does not mean offering new vehicles for sale or negotiating sales of new vehicles.

“Fair” means a county fair or a scheduled gathering for a predetermined period of time at a specific location for the exhibition, display or sale of various wares, products, equipment, produce or livestock, but not solely new vehicles, and sponsored by a person other than a single dealer.

“Offer” new vehicles “for sale,” “negotiate sales” of new vehicles, or similar wording, means doing any of the following at the state fair or a fair, vehicle show or vehicle exhibition: posting prices in addition to the manufacturer’s sticker price, discussing prices or trade-ins, arranging for payments or financing, and initiating contracts.

“State fair” means the fair as discussed in Iowa Code chapter 173.

“Vehicle exhibition” means a scheduled event conducted at a specific location where various types, makes or models of new vehicles are displayed either at the same time or consecutively in time, and sponsored by a person other than a single dealer.

“Vehicle show” means a scheduled event conducted for a predetermined period of time at a specific location for the purpose of displaying at the same time various types, makes or models of new vehicles, which may be in conjunction with other events or displays, and sponsored by a person other than a single dealer.

425.26(2) and 425.26(3) No change.

425.26(4) *Permits for dealers of new ~~travel-trailers~~ towable recreational vehicles.* A fair, vehicle show or vehicle exhibition permit allows a ~~travel-trailer~~ towable recreational vehicle dealer to display and offer new ~~travel-trailers~~ towable recreational vehicles for sale and negotiate sales of new ~~travel-trailers~~ towable recreational vehicles at a specified fair, vehicle show, or vehicle exhibition in any Iowa county.

a. No change.

b. The permit is limited to the line makes for which the ~~travel-trailer~~ towable recreational vehicle dealer is licensed in Iowa.

c. A ~~travel-trailer~~ towable recreational vehicle dealer who does not have a permit may display vehicles at fairs, vehicle shows and vehicle exhibitions.

425.26(5) *Permit application.* A motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer shall apply for a permit on an application form prescribed by the department. The application shall include the dealer’s name, address and license number and the following information about the event: name, location, sponsor(s) and duration, including the opening and closing dates.

425.26(6) *Display of permit.* The motor vehicle or ~~travel-trailer~~ towable recreational vehicle dealer shall display the permit in close proximity to the vehicles being exhibited.

This rule is intended to implement Iowa Code sections 322.5(2) and 322C.3(9).

ITEM 22. Amend subrule 425.40(1) as follows:

425.40(1) Every motor vehicle and ~~travel-trailer~~ towable recreational vehicle dealer shall:

a. and b. No change.

ITEM 23. Amend rule 761—425.50(322) as follows:

761—425.50(322) Manufacturers, distributors, and wholesalers. This rule applies to the licensing of manufacturers, distributors, and wholesalers of new motor vehicles and ~~travel-trailers~~ towable recreational vehicles.

425.50(1) No change.

425.50(2) *Licensing requirements.*

a. and b. No change.

c. A licensee shall notify the ~~office of~~ vehicle and motor carrier services bureau in writing at least ten days prior to any:

(1) and (2) No change.

(3) Change in the trade name of a ~~travel-trailer~~ towable recreational vehicle manufactured for delivery in this state.

d. A licensee shall notify the ~~office of~~ vehicle and motor carrier services bureau in writing at least ten days before any new make of vehicle is offered for sale at retail in this state.

This rule is intended to implement Iowa Code sections 322.27 to 322.30 and 322C.7 to 322C.9.

ITEM 24. Amend subrule 425.62(4) as follows:

425.62(4) The department shall send notice by certified mail to a person whose certificate, license or permit is to be revoked, suspended, canceled or denied. The notice shall be mailed to the person's mailing address as shown on departmental records or, if the person is currently licensed, to the principal place of business, and shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the ~~office of~~ vehicle and motor carrier services bureau at the address in subrule 425.1(2). The request shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation or denial.

ITEM 25. Amend subrule 425.70(2) as follows:

425.70(2) *Persons who may be issued dealer plates.* Dealer plates as provided in Iowa Code sections 321.57 to 321.63 may be issued to:

a. No change.

b. Licensed ~~travel-trailer~~ towable recreational vehicle dealers.

c. A person engaged in the business of buying, selling or exchanging trailer-type vehicles subject to registration under Iowa Code chapter 321, other than ~~travel-trailers~~ towable recreational vehicles, and who has an established place of business for such purpose in this state.

d. to h. No change.

[Filed 2/11/20, effective 4/15/20]

[Published 3/11/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/11/20.